

Attachment 1



UNDER THE DOME NOVEMBER 22, 2016 11:23 AM

Civitas sues to stop final NC vote count, cites concerns about same-day registration



Under the Dome

Your inside source on North Carolina politics and government

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1 of 3



Francis De Luca, president of the conservative Civitas Institute, explains why his organization has filed a lawsuit challenging votes cast using same-day registration. **Colin Campbell** - ccampbell@newsobserver.com

BY COLIN CAMPBELL AND LYNN BONNER
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The Civitas Institute, a conservative organization in Raleigh, has filed a federal lawsuit to delay a final count of ballots in this month's election.

The suit filed Monday is over same-day registrants, the more than 90,000 people who registered to vote and voted on the same day prior to the Nov. 8 general election.

Civitas says in its lawsuit that there's not enough time between their registration and the State Board of Elections counting their ballots for the local county boards of election to verify applicants' addresses. County boards mail new applicants notices to verify their addresses; if the notices are sent back as "undeliverable," the voters' registrations aren't valid. The process takes up to 30 days if the boards act promptly, the lawsuit says.

"It's very simple: It's about treating all voters fairly," Civitas president Francis De Luca said Tuesday. "The people who register the normal way get treated one way, and the people who register same-day registration need to be treated the exact same way."

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The state has had same-day registration since 2007. The legislature had sought to eliminate the option, but it was restored when a federal court overturned the state's voter ID law earlier this year.

Voters using same-day registration to cast ballots during early voting must provide a photo identification or other proof of residency – such as a utility bill showing a current address.

But Civitas points to studies showing that a number of same-day registrations are later rejected when the mail verification process finds problems with the registration.

A State Board of Elections review of 2012 voter registrations found that 2.44 percent of voters who used same-day registration did not pass the mail verification process – but that process sometimes wasn't finished when the voters' ballots were counted. The failure rate was 3.2 percent during a three-month period at the beginning of 2012, when no early voting was taking place.

Bob Hall of the nonprofit Democracy North Carolina disputes the Civitas claims about the same-day registration process. "It's just as reliable if not more reliable than the regular registration process," he said, adding that the option was used "disproportionately" by registered Republicans during this election. "We have just gone through a court battle over same-day, and the 4th Circuit has declared that it shall be used."

Hall noted that some mailed registrations are returned as "undeliverable" because the voter moved after Election Day. "The people that use same-day are disproportionately under 30 years old," he said. "They are more transient than the ordinary voter."

The Civitas lawsuit comes as Gov. Pat McCrory's campaign alleges voter fraud as he trails Democrat Roy Cooper in the vote count. Democrats are pressing McCrory to concede.

"It seems like another attempt to throw a monkey wrench in the ongoing election that doesn't want to end," Hall said of the lawsuit.

Civitas' concerns could become moot because the election results might not be certified for weeks amid Republican protests of votes. The mail verification process for voters who used same-day registration will be complete by early December.

De Luca said that neither the McCrory campaign nor the N.C. Republican Party were involved in his organization's actions. He said Civitas wanted to file the complaint two weeks ago but had difficulty getting a lawyer to take the case.

"The first attorney that was going to work with our attorney, their firm vetoed his working on it," De Luca said. "They felt it was too political."

One of the attorneys representing Civitas in the case is Josh Howard, the former chairman of the State Board of Elections. In addition to the federal lawsuit, Civitas has filed a complaint with the elections board.

Cooper's campaign issued a news release Tuesday afternoon criticizing Civitas.

"Today's lawsuit by Civitas is just the latest effort to disenfranchise legally registered voters," Cooper spokesman Ford Porter said. "Instead of attacking North Carolina voters and undermining our democratic process, Gov. McCrory needs to accept his defeat and concede."

De Luca said Civitas is looking beyond this year's contested election. Legislative leaders have said they might revisit election laws next year.

"We think same-day registration is a bad policy," De Luca said. "This is the about the best way we can use the courts to show that it is."

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Protesters outside Board of Elections meeting

Protesters from Progress NC Action, EqualityNC and the Human Rights Campaign greet attendees of a special meeting of the NC State Board of Elections concerning challenges to the vote count in the race for governor.

Chuck Liddy - cliddy@newsobserver.com

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Roy Cooper declares victory in video released Sunday

Democrat Roy Cooper released a video Sunday, Nov. 22, 2016 thanking his supporters and declaring victory in the still-contested race for governor against incumbent Pat McCrory.

Cooper for Governor

Colin Campbell: 919-829-4698, @RaleighReporter

[North Carolina 2016 election results]

Election status of NC counties

Not all North Carolina counties have completed their final canvass from the Nov. 8 general election. This list shows the status as of 11 a.m. Wednesday, Nov. 22.

Show entries

County ▼	Status
ALAMANCE	Final Election Night Results (unofficial)
ALEXANDER	Final Election Night Results (unofficial)
ALLEGHANY	Final Election Night Results (unofficial)
ANSON	Final Canvass Results (official)

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Gork Boneman · Raleigh, North Carolina


You all know who Civitas is, right? Art Pope is determined to continue running the state.

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Loose Tea


Ali Akbar This is such BS . . . really . . . please

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Kent Parks · Raleigh, North Carolina

Loose Tea look it up--Civitas is Art Pope's group.

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Tim Peck · Asheville, North Carolina

I L O V E Art Pope! I want to have his baby.

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Marc Liles · Owner at Self-Employed

Having received this news has further energized me to donate more to the Cooper Campaign for its legal team. On another note, it would be nice to know what law firms are representing Civitas and the other folks representing the McCrory Campaign and the Republican Party in these actions.

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Elizabeth McMahon


McCrory, you lost. You're a loser. Concede now.

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Kling Bostrom · Veterinarian at Hickory Veterinary Hospital


Each day McCrory drags this out shows what a selfish jerk he is. Be a man and concede. Can he not see that even if the NC GOP could rig this for him, it would hurt the state he pretends to love. Him and the NC GOP have continued to engage in big government overreach that completely ignores the wishes of the people. They have repeatedly reached down to control local governments and crush people's wishes, so McCrory's action is not surprising.

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Elizabeth McMahon

Kling Bostrom you left out whiny. Selfish, whiny jerk.

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Jeannine Guthrie

McCrory needs to fold and he needs to fold now. With every new initiative these people demonstrate that they are fundamentally opposed to democracy. If McCrory behaves like some tin pot dictator, I say we treat him like one.

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Dave Thompson

That would be too good for Eunice.

I think she might enjoy such treatment.

